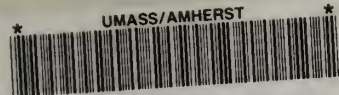


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# A Handbook for Local Housing Partnerships

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Massachusetts Housing Partnership

June 1988

Michael S. Dukakis, Governor

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Massachusetts Housing Partnership

June 1988

**Michael S. Dukakis**, Governor

**Amy S. Anthony**, Co-Chair

**John F. Bok**, Co-Chair

**Joseph I.. Flatley**, Director



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## Acknowledgements

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# Chapter 1

## Introduction

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The Massachusetts Housing Partnership (MHP) is a statewide initiative formed to support local affordable housing efforts. Created by Governor Dukakis in 1985, the MHP uses a variety of state resources to assist local housing partnerships in providing a broad range of affordable housing opportunities.

In recent years, Massachusetts has experienced one of the side effects of economic expansion -- rapidly rising real estate costs. This has in turn made it difficult for many citizens in a variety of income levels to either own or rent their homes. Local housing partnerships, with support from the Massachusetts Housing Partnership, are working to provide affordable housing for both renters and first-time homebuyers.

Local housing partnerships are coalitions of local officials, business leaders, and housing advocates who have come together to create affordable housing opportunities within their communities. The Massachusetts Housing Partnership works closely with local housing partnerships by providing needed programmatic and financial resources to make possible these housing initiatives.

This publication, made available through the Massachusetts Housing Partnership, is based upon questions often asked by local housing partnerships concerning how to organize and define the role that a partnership should carry out within each community. It is intended to assist members of both newly-organized and more mature partnerships, as well as communities which are considering the formation of local housing partnerships.

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**Local housing partnerships are coalitions who have come together to create affordable housing opportunities within their communities.**

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## Chapter 2

# The Role of a Local Housing Partnership

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### What role does a Local Housing Partnership play in its community?

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The central role of a local housing partnership is to organize local participants and focus local action so as to promote the development of affordable housing in the community. While the role for any particular housing partnership will vary and evolve over time, the roles that local housing partnerships generally carry out are:

- Bringing together public officials, business leaders, clergy, housing advocates and others in a common effort to support affordable housing initiatives.
- Evaluating various affordable housing programs and techniques and advising their community regarding local proposals.
- Identifying available land and other local housing resources.
- Developing housing goals and an overall housing strategy or affordable housing action plan for their community.
- Sponsoring forums and other public events to facilitate discussion and broaden the understanding of the need for affordable housing and proposed housing developments or policies.
- Establishing local criteria for the review of affordable housing proposals.
- Making recommendations to local boards regarding specific housing proposals and policies.
- Negotiating with developers around issues of affordability.

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**A local housing partnership's authority comes from the local governing body or official — the Board of Selectmen, the Mayor, or City or Town Manager.**

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**The central role of a local housing partnership is to organize local participants and focus local action so as to promote the development of affordable housing in the community.**

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## Where does a local housing partnership get its authority?

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**Local housing partnerships receive some of their authority from the Massachusetts Housing Partnership, which provides them with access to various resources which support their efforts to provide affordable housing.**

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A local housing partnership's authority comes from the local governing body or official -- the Board of Selectmen, the Mayor, or City or Town Manager. It is important that a local housing partnership clarify its responsibilities and powers. This means working out a mutual agreement with the Selectmen, Mayor, City or Town Manager as to the role that the local housing partnership will play in the community.

The Board of Selectmen, Mayor, City or Town Manager should communicate and express support for the partnership's goals and objectives to other public entities in the community. Such public entities include boards, commissions, authorities, or departments. In one community, the Selectmen sent the local housing partnership's "mission statement" to all town boards and commissions. This helped to clarify the partnership's role among the local entities involved in the housing development permitting and approval process. It also served to endorse the partnership's legitimacy within the community.

In addition to receiving authority from the local governing body or official, local housing partnerships also receive authority from the Massachusetts Housing Partnership (MHP) through a designation process which gives their municipality status as an MHP community. MHP designation provides the municipality and the partnership with access to technical assistance and various other resources which support their efforts to provide affordable housing. Threshold requirements for designation are:

- Creation of a local housing partnership committee that is well balanced and representative of the community.
- A commitment to addressing the full range of local needs for affordable housing. This commitment is expressed through a letter from the chief elected official of the municipality.
- An assessment of community housing needs and potential resources available to address them.
- The development of a viable strategy to address affordable housing needs.

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**The Board of Selectmen, Mayor, City or Town Manager should communicate support for the partnership's goals and objectives to other public entities in the community.**

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## What makes a local housing partnership different from other local boards?

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Partnerships which have dealt successfully with this question emphasize the importance of involving representatives from all key boards, committees or commissions as members of the local housing partnership. These members usually serve in an ex-officio capacity, that is, by virtue of their office. This provides the opportunity for increased communication among the principal local entities involved in housing issues. Local housing partnerships are not intended to replicate the roles of local boards or commissions such as the planning board, zoning board of appeals, or local housing authority.

However, representation by members of boards and commissions on the partnership committee is not in itself enough. The partnership should also learn the responsibilities, procedures, and schedules of the other boards and commissions operating in the community. Having accomplished this, the partnership can then help to consolidate and facilitate the various local review processes which may need to occur with respect to any given development proposal.

Local housing partnerships have coordinated project review processes, which involve specific input from each relevant local board and commission. They have also developed written procedures which identify the issues to be reviewed and the specific criteria used in order to clarify and expedite the various local review processes.

## What kinds of decisions can local housing partnerships make?

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Local housing partnerships can make a variety of decisions related to specific affordable housing proposals, as well as recommendations for overall housing policies that affect their communities. Since the local elected official usually appoints the members of the partnership and gives the partnership much of its authority, it is important for the partnership and local officials to come to an agreement about the types of decisions or recommendations for which the housing partnership will be responsible.

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**It is important to involve representatives from all key boards, committees or commissions as members of the local housing partnership.**

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**The partnership should learn the responsibilities, procedures, and timing of the other boards and commissions operating in the community.**

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**It is important for the partnership and local officials to come to an agreement about the types of decisions for which the housing partnership will be responsible.**

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**Local partnerships often find it helpful to develop an overall affordable housing action plan for their municipalities.**

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Most decisions made by local partnerships concerning housing issues or developments in their communities are made as recommendations to local officials and state agencies concerning permit or funding approvals as well as general endorsements of specific affordable housing proposals. Local partnerships often find it helpful to develop and recommend an overall affordable housing strategy or action plan for their municipalities. In several communities where local partnerships have undertaken studies of housing needs, the findings resulted in the development of housing goals and objectives for the community which were adopted by the local governing officials. Housing partnerships have also worked with their local planning boards to review land use regulations. In some cases, they have helped to draft needed zoning by-law changes which were subsequently adopted by town meeting.



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## Chapter 3

# Responsibilities of a Local Housing Partnership

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### What is the local housing partnership's role in the funding decisions of state housing programs?

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Under the auspices of the Massachusetts Housing Partnership, most state housing programs give explicit priority to housing proposals which have the support of the local housing partnership. Some programs have special set-asides for proposals submitted by local housing partnerships. In both of these ways, local partnerships have been given *special access* to state housing resources.

In addition, when state housing agencies receive housing proposals, they solicit local comments in the process of making their funding decisions. These comments will tend to have more weight when they are received from a local housing partnership which has established credibility and which has undertaken a coordinated, thorough review of the housing proposal.

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**Most state housing programs give explicit priority to housing proposals which have the support of the local housing partnership.**

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### What kind of role can a housing partnership best assume in the local comprehensive permit process?

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A developer applying for a "comprehensive permit" is seeking approval from the local zoning board of appeals (ZBA) for the issuance of a single permit for all needed local land use regulatory decisions. Only developments which will be using federal or state subsidy programs to achieve housing affordability are eligible to apply for a comprehensive permit.

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**In order to be granted a hearing for a comprehensive permit, a developer must have received a *site approval letter* from a state housing agency.**

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**A developer applying for a "comprehensive permit" is seeking approval from the local zoning board of appeals (ZBA) for the issuance of a single permit for all needed local land use regulatory decisions.**

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The Massachusetts Housing Partnership (MHP), the Executive Office of Communities and Development (EOCD), and the Massachusetts Housing Finance Agency (MHFA) are the main providers of subsidies and financing at the state level. In order to be granted a hearing for a comprehensive permit from a zoning board of appeal, a developer must have received a *site approval letter* from one of these state agencies.

The application for a *site approval letter* is an early step in the development proposal process. Before approving a proposed development site for affordable housing, state agencies will actively solicit comments from municipalities to identify any issues which might affect the suitability of the proposed development. Local partnerships should play a central role in advising their local governing officials during the comment period preceding state agency issuance of site approval.

Once a developer has a state site approval letter and is granted a hearing by the zoning board of appeal, the local housing partnership may assist the zoning board of appeals as an advisory body. In most cases, the developer should have met with the local partnership concerning the suitability and affordability of the project *prior to* the submission of the application to the ZBA. It is particularly appropriate for the partnership to assist the ZBA when representatives of all involved local boards and commissions are members of the local housing partnership.

One local housing partnership has been authorized by its municipality to review, according to pre-agreed criteria, development applications for comprehensive permits. Through an initial review and work session with the developer, the local housing partnership then generates a memorandum of agreement with the developer, prior to the initial ZBA hearing on the application, and submits this agreement to the ZBA.

Sometimes, partnerships play a more limited role in the permit process, keeping their recommendations to issues of affordability such as proportion of below-market-rate units, projected prices, and targeted income groups for occupancy.

Whatever role the local housing partnership chooses to take with respect to the permitting process, it is important to clarify and obtain agreements about this role with the local review boards in their community. While the partnership, with its broad representation, is a useful coordinator and expeditor in the permit process, it is important that the partnership not become yet one more review body in this process or assume responsibility for studying issues best addressed by existing local boards and commissions.

## What type of criteria should local housing partnerships use to evaluate housing proposals?

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Local housing partnerships primarily concentrate their review upon issues of affordability -- for example, the proportion of affordably-priced units in the development, the projected rents or prices for the proposed housing, the anticipated income levels of the targeted homeowners or renters, the plans for marketing and outreach, unit sizes, dispersment of affordable units throughout development, as well as the projected density of the development. This review may involve examination of the project's financing structure to determine whether a larger number of affordable units is possible, or conversely, whether a large proportion of below-market-priced units may jeopardize the project's financial feasibility.

In cases where there are no local boards or commissions which conduct reviews for project design, site planning, adequacy of infrastructure, or environmental considerations, some partnerships are carrying out more detailed scopes of project review that include these issues. In communities where existing local boards and commissions do review and analyze these items and their impact, it is more appropriate for a local housing partnership to focus upon the issue of affordability and, if needed, to coordinate and expedite the review requirements of existing boards and commissions. Some local housing partnerships have been particularly helpful in acting as a "first stop" for interested developers of affordable housing by advising them about the various review processes and regulatory requirements of their communities.

Many partnerships have developed written criteria for their own review procedures. Some have consolidated the review criteria of relevant boards and commissions in a single document which can be used as a guide to the permitting and review process in their community. Other housing partnerships use the guidelines of the various housing programs as the basic structure for their review criteria.

Whatever types of criteria the local housing partnership chooses to develop, it is important that the criteria be spelled out clearly. It is also essential to do so in consultation with local governing bodies.

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**Local housing partnerships have been particularly helpful in acting as a "first stop" for interested developers of affordable housing.**

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## To what degree do local housing partnerships get involved in the administration of grants?

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**The chief elected official has ultimate responsibility for the administration of the grant and will want to work closely with the housing partnership in the administration of the grant.**

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The Municipal Advance Program (MAP) has been established by the Massachusetts Housing Partnership to assist local housing partnerships which are proceeding with affordable housing development projects. The program provides a wide range of technical assistance resources designed to assist communities in the design, review, negotiation, and implementation of affordable housing projects or policies. Funds are granted for the hiring of consultants to provide this technical assistance. The actual applicant and fiscal agent is the local municipality.

The partnership can request its municipality to apply for a MAP grant, or other types of planning assistance available through the Massachusetts Housing Partnership and through EOCD. The scope of services for the grant calls for the consultant to work closely with the local housing partnership during the time of service provision. Several local housing partnerships, by previous agreement with their municipalities, have become involved in the screening and selection of consultants to perform the grant-funded tasks. This is often done by a subcommittee of the partnership.

The precise level of involvement of the housing partnership in the administration of the grant and the relationship with the consultant is best clarified in advance between the partnership and the municipality. As signatory to the grant application and resulting contract, the chief elected official of the municipality has ultimate responsibility for the administration of the grant. Therefore, the town or city needs to work closely with the housing partnership in the administration of the grant and supervision of the consultant. If the chief elected official is a member of the local housing partnership, the supervision of grant activities and consultant work is facilitated. Some cities and towns have also hired consultants to assist the local zoning board of appeals in evaluating developments applying for comprehensive permits.



## **How can a local housing partnership and a housing authority best work together?**

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Since a housing authority is a key provider of housing for low-income households, it is important for the housing authority to be represented on the local housing partnership. A housing authority can apply for and receive numerous types of housing subsidies and financing that other public agencies, and private or non-profit housing sponsors cannot.

In turn, a local housing partnership can be of help to the local housing authority in its efforts to locate and develop sites for low-income housing. Through its broad base of representation, the partnership is in a good position to inform and educate community residents and local officials about the critical need for such housing as well as the excellent quality of today's public housing. In this way, the partnership can help dispel the various myths and stereotypes which often arise regarding this type of housing. Local housing partnerships can also support specific proposals developed by the local housing authority for elder, family, or special needs housing.

The Homeownership Opportunity Program (HOP) guidelines include a requirement that a percentage of the units in a proposed HOP development be offered for sale to the Local Housing Authority for use as low income rental units. State-assisted rental housing programs also involve local housing authorities in the provision of financing for privately-sponsored developments.

## **How can a local partnership and a fair housing committee best work together?**

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In Massachusetts, municipalities with populations over 10,000 which receive state discretionary funds are required to establish affirmative fair housing plans and set up fair housing committees to monitor these plans. The functions of these committees may include com-

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**It is critical for the housing authority -- as a key provider of housing -- to be represented on the local housing partnership.**

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munity education to prevent discrimination in real estate, or monitoring of rental housing developments to ensure fair rental practices.

Several local housing partnerships have evolved out of local fair housing committees and a representative of the fair housing committee will be a valued member of a local housing partnership. It is important for a fair housing committee and a local housing partnership to delineate clearly their separate responsibilities and areas of collaboration. This helps both groups to work towards increased housing opportunities in the community for all persons regardless of race, color, creed, national origin, or gender.

## **Are local housing partnerships involved in selecting occupants for affordable housing?**

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**The HOP program provides that, in certain cases, preference may be given to local residents in selecting buyers.**

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State resources for financing affordable housing include, among others, the Homeownership Opportunity Program (HOP) and public housing programs such as: family housing, housing for elders, housing for persons with special needs, and rental subsidy programs. Each of these programs allows some degree of preference for local residents in occupant selection.

In the case of the HOP program, the proportion of affordable units which may be designated for locally-based homebuyers is negotiated on a case-by-case basis between the Massachusetts Housing Partnership (MHP) and the local community. MHP looks to the local housing partnership to set criteria for the manner in which local preference will occur. Criteria for local selection have included preference for local residents, local workers, or persons that had been displaced from the community.

The level of local housing partnership involvement in monitoring the occupancy selection process for affordable units, including local preference in selection, varies considerably. Some partnerships limit their involvement to a review and approval of a marketing and selection plan submitted to them by the housing developer. Other partnerships have actually carried out the marketing, outreach, applicant screening, and selection process for occupants of the affordable units on behalf of the developer. To a large measure,

availability of staff determines the partnership's level of involvement in these tasks. It is appropriate for a local housing partnership to ensure, during its initial review of the housing proposal, that the project's budget includes an adequate marketing and rent-up sales line item amount for these functions to be carried out by the developer.

Whatever the degree of partnership involvement in the marketing of units and selection of homebuyers, it is important for some locally-designated body to review, approve, and monitor a clearly-outlined plan for marketing and homebuyer selection. This could be the local housing partnership, a community development corporation, housing authority, or local non-profit organization.

## **How do local housing partnerships broaden public understanding about affordable housing?**

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Local housing partnerships have held media events, developed press releases concerning specific housing initiatives, sent letters to the editor, or have developed cable TV shows focusing on community housing needs. Several partnerships have sponsored public forums to discuss key housing needs and proposed solutions. Others have developed and disseminated studies and publications describing community housing shortages and possible solutions.

Local housing partnerships have used annual town meetings as a forum in which to bring important housing issues to the attention of their fellow citizens. They have presented housing policies for endorsement and have worked with their planning boards to bring re-zoning issues to the attention of the community at town meeting.

In several communities where specific housing developments or zoning by-law amendments were under review, local housing partnerships have organized meetings to address concerns expressed by abutters and other community residents. Several partnerships have carried out successful public education campaigns prior to town meetings.

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**Several partnerships have sponsored public forums to discuss key housing needs and proposed solutions.**

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## How do local housing partnerships successfully handle relations with the media?

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**Successful housing partnerships have been able to develop and maintain good relationships with their local media.**

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Newspapers, radio, and local cable TV can be powerful allies to a housing partnership in raising public awareness about the need for affordable housing, the quality of affordable housing, as well as promoting community support for specific housing initiatives.

Successful housing partnerships have been able to develop and maintain good relationships and ongoing communication with their local media. Members of these partnerships have taken the first step to contact their local reporters, or radio commentators and meet with them to explain the partnership's role and activities. Usually, partnerships who enjoy a good relationship with the press and positive coverage of partnership events and activities are those who have put substantial time and energy into developing these relationships. One partnership made it a point to send fact sheets to the press about every prospective grant application, grant award, and its relationship to the overall community housing agenda, making sure that the press understood the context and purpose of every action taken.

Meetings of local housing partnerships are open and often attended by the press. Members of local housing partnerships who have not previously had experience in dealing with the press may be surprised to see casual remarks made at their meetings printed in the next edition of the newspaper. A seasoned member of a local housing partnership advises counterparts to be completely honest with the media, but to release information about decisions and actions to be taken only after all key parties -- including the Mayor, Councilors, or Selectmen -- have been so informed.



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## Chapter 4

# Managing a Local Housing Partnership

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### How do people become members of local housing partnerships?

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In most cases, the chief elected official appoints the members of the local housing partnership and fills subsequent vacancies also by appointment. Appointments are usually made for specific time periods. In some communities, the Mayor or Selectmen have identified persons to serve on the housing partnership, following recommendations made by planning or community development staff. Existing partnerships have also made recommendations to the Mayor or Selectmen for individuals to fill vacancies.

In other instances, groups of local citizens have approached the local governing officials, requesting designation and appointment as a local housing partnership. Several communities have advertised in local newspapers for persons interested in becoming members of the local partnership. A few communities have formed non-profit corporations or trusts with open memberships. These non-profit corporations have been designated by the local officials as local housing partnerships.

At least one local housing partnership has established a formal membership structure, identifying classes of members according to voting, non-voting, and advisory status. In this case, non-voting members include persons who might otherwise be considered to be in a conflict-of-interest situation related to specific housing proposals. Such persons might include realtors, developers, or members of local boards who will be voting on the same projects or policies when these come before their boards.

Officers are sometimes elected by the local housing partnership members and sometimes appointed by the local elected officials. Some partnerships have formalized procedures for election of officers with set terms in written by-laws or procedural criteria.

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**In most cases, the chief elected official appoints the members of the local housing partnership.**

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Whatever the method for generating the membership of the local housing partnership and its subsequent organizational structure, it is important that the method be spelled out clearly for the benefit of both the partnership and local officials.

## **Do local housing partnerships develop written by-laws as guidelines for how they operate?**

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**Whether a partnership develops a formal organizational structure or more informal mode of operating, it will benefit from establishing a clear understanding about basic organizational procedures.**

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Several local housing partnerships have developed both statements of purpose as well as written guidelines for conducting their activities and affairs. Partnerships have developed "mission statements" or charter statements which outline their goals, and objectives. In the case of one community, the Board of Selectmen sent the local partnership's mission statement to all existing boards and commissions as a way of clarifying and legitimizing the partnership's role in the community in generating housing policy and reviewing housing proposals.

More than one partnership has developed organizational by-laws, outlining guidelines for membership appointment, officer election and length of terms, scope of activities and functions, frequency and format of meetings. Other partnerships take a less formal approach to their own organizational matters. Whether a partnership develops a formal organizational structure or chooses a looser, more informal mode of operating, it will benefit from establishing a clear understanding, among members of the partnership itself and local officials, about basic organizational procedures.

## **How often should local housing partnerships meet?**

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Some partnerships meet regularly once a month. Others meet periodically, depending upon their agendas and level of activity. In some communities, particularly before an important town or council meeting, local housing partnerships have met every two weeks. Often, subcommittees of partnerships meet more frequently. Frequency of partnership meetings essentially depends upon the amount of business or current activities of the group.

## Should partnerships keep minutes of their meetings?

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Some partnerships take detailed minutes of their meetings; one local partnership tapes its sessions. Others are less formal. The need for detailed minutes depends upon the particular circumstances of each local housing partnership. In some cases, local governing officials may wish to see a record of events or discussions at partnership meetings. When local partnerships render a decision or recommendation, however, particularly if related to a specific housing proposal or policy, such decisions should be recorded in writing. Partnership recommendations concerning housing policy and projects are often key factors in subsequent decisions by local and state officials in approving or funding these projects.

## Should local housing partnerships form subcommittees to carry out particular tasks?

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Many local housing partnerships have found it helpful to establish subcommittees to study particular issues or carry out specific tasks. They then report back to the entire group. Subcommittees also serve as a good way of involving partnership members more fully in the housing issues of their communities.

The type of activities carried out by a particular partnership will suggest which types of committees are most appropriate. Some are permanent or standing committees; others are temporary committees that exist to perform a specific task within a specific time frame. The following are examples of subcommittees that have formed within existing local housing partnerships. No partnerships have all these committees and few partnerships have more than two or three committees.

- *Housing Initiatives Committees* plan new housing initiatives for their communities and identify resources such as available land, city or town contributions, financing and development mechanisms.

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**The type of activities carried out by a particular partnership will suggest which types of committees are most appropriate.**

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- *Land Use and Zoning Committees* study the impact of local regulations upon land use, growth rate, and affordable housing development, and who may work with the planning board to update regulatory mechanisms.
- *Community Liaison Committees* undertake responsibility for public education, media relations, forums, and other events.
- *Project Review Committees* study specific housing proposals, according to partnership review criteria, and make recommendations to the entire group about potential endorsement of proposals.
- *Housing Needs Committees* identify the local populations most in need of housing, and the type of housing is needed.
- *Legislative Committees* are responsible for maintaining relations with local and state officials concerning housing policies and proposals.
- *Administrative Committees* assume responsibility for managing the affairs of the local housing partnership and who may develop its internal procedures and ensure that needed actions are carried out.
- *Municipal Impact Committees* study the projected impact of housing proposals with respect to school facilities, roads and traffic, and level of municipal services required.

## How do local housing partnerships without access to paid staff manage their affairs ?

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**Many partnerships have managed successfully to conduct their business without the help of paid staff.**

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Local housing partnerships in small communities often do not have the benefit of staff assistance which may be available in larger municipalities with full-time community development or planning staff. Nevertheless, many partnerships in small communities have managed successfully to conduct their business without the help of paid staff.

In some cases, local businesspeople who are partnership members have offered administrative support, such as typing correspondence, sending mailings, or making telephone calls. In other cases, local non-profit organizations have provided staff and administrative assistance. Some partnerships have collected dues from members to pay for postage and supplies; others have sponsored fund-raisers. Some local housing partnerships have access to the town's secretary, who will send out



meeting notices and other correspondence. In almost all cases, successful partnerships can point to dedicated members who contribute, on a volunteer basis, their time and energy. Partnerships may contact their MHP Regional Director for information about available resources for the planning and implementation of partnership activities.

## **Must local housing partnerships comply with the “Open Meeting Law”?**

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One of the main purposes of a local housing partnership is to broaden local awareness and understanding about housing issues in their community. Local housing partnership meetings serve as an important forum through which housing issues, specific housing policies, and proposals are brought to the attention of local officials and citizens for consideration, discussion, and support. An “open meeting” policy, where all members of the public are allowed to attend, better suits this purpose.

An “open meeting” policy for local housing partnerships should also be followed to ensure compliance with the state statute known as the “Open Meeting Law.” According to this law (Chapter 39, Section 23B, M.G.L.), all meetings of a “governmental body” must be open to the public, and comply with certain restrictions governing executive sessions. A governmental body is defined in Section 23A of the statute as a board, commission, committee, or subcommittee, however elected, appointed, or otherwise constituted. Since local housing partnerships are appointed (in most cases) by the chief elected official of the municipality, and in this sense are created by the local government, partnerships generally do fall within the definition of a “governmental body.”

There may be rare occasions when a local housing partnership, or a subcommittee of the partnership, needs to discuss a matter in private. “Executive sessions” are times when a governmental body may legally hold a meeting in private. Chapter 39, Section 23B establishes seven valid purposes for which a governmental body may hold an executive session. One such valid purpose is to discuss the purchase or value of property, if public discussion of this subject would have a harmful effect upon negotiation related to the property. Another valid purpose has to do with compliance with a law or a federal grant

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**Local housing partnerships should maintain open meetings — both as a matter of law and as a matter of good policy.**

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requirement. Local housing partnerships are advised to check the valid purposes for executive sessions beforehand, and consult with their town or city counsel for guidance.

## Do state laws governing *conflict of interest* apply to members of local housing partnerships?

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The state "Conflict of Interest Law" (Chapter 268A, M.G.L.) outlines steps that need to be taken by municipal employees or members of municipal agencies to avoid conflict of interest in the performance of their duties and responsibilities. "Municipal employees" are defined in this statute as persons performing services for or holding a position in a municipal agency, whether by election, appointment, or hiring, regardless of whether those persons serve with or without compensation.

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**The "Conflict of Interest Law" (Chapter 268A) does apply to members of local housing partnerships.**

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Since members of local housing partnerships are usually appointed by the local government, and since the housing partnership provides services for the municipality, it appears that the "Conflict of Interest Law" (Chapter 268A) does apply to members of local housing partnerships.

This suggests that members of local housing partnerships who are public officials should refrain from taking an action in partnership activities -- such as a vote -- on a particular matter that is likely to come before them in their other capacity as a public official or local board member. For example, if the chairman of the local planning board is a member of the partnership, she or he should refrain from voting on a specific housing development application being considered by the partnership which could also come before the Planning Board for a decision, such as a special permit application.

Members of local housing partnerships from the private sector should refrain from taking any action in partnership meetings -- such as a vote -- involving any proposed housing development or action in which they, or any business associate, have a particular business interest.

In cases where questions of applicability arise, members of local housing partnerships should check with their town or city counsel, or seek an opinion from the State Ethics Commission.

## Are local housing partnerships and their members liable for their activities or decisions?

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"Governmental bodies" and members serving on such bodies are protected from liability under Chapter 258, M.G.L., as long as certain preconditions are met. As described earlier, local housing partnerships appear to meet the definition of a governmental body according to state statute. In order to clarify this status further, it is advisable that local governing bodies vote to designate their local housing partnership members as special municipal employees.

Protection under Chapter 258 from liability is available to local housing partnerships and their members only if they are acting within their public purposes and are responsible or accountable to another public agency, such as the Mayor or Board of Selectmen. It should be noted, however, that Chapter 258 does not provide protection against violations of civil rights or intentionally wrongful acts. Partnerships whose members have not been appointed individually by the chief elected official should consult with town or city counsel concerning the applicability of Chapter 258. A partnership should also make certain that its relationship to the local governing body is clearly articulated and understood by all parties. This will help to ensure protection from liability under Chapter 258.

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**Members of local partnerships are generally protected from liability as long as certain preconditions are met.**

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## Chapter 5

# Housing Partnerships in Urban Communities

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### How are local housing partnerships organized in urban communities?

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Urban housing partnerships vary considerably as to how they achieve a broad base of community representation. Some urban partnerships include representatives from a variety of community organizations and institutions throughout the city -- community development corporations, neighborhood housing service agencies, community action agencies, as well as colleges, social service organizations, businesspeople, and elected city officials.

Urban communities may have an existing neighborhood or citizen advisory council system which offers a natural means of neighborhood participation for the housing partnership. In some cities, several such neighborhood networks may be operating concurrently. The challenge for these cities is to identify the appropriate neighborhood network, or structure to provide input for the housing partnership's process. Other urban communities where there is no existing network of neighborhood organizations, should make special efforts to create a broad-based community participation process.

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**Urban housing partnerships vary considerably as to how they achieve a broad base of community representation.**

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### Should city departments be represented on urban housing partnerships?

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Planning and community development departments can provide critical staff assistance to urban housing partnerships. These departments are also involved in the implementation of specific housing



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**Which city departments are represented on the housing partnership will depend upon the issues and activities specific to the city.**

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initiatives, and in preparing applications for the funding resources available to local housing partnerships. Urban housing partnerships often have been initiated by their city planning or community development departments.

Because of their key role as implementors of affordable housing proposals involving city land, resources, or public financing mechanisms, it makes sense for these city departments to be represented on the housing partnership. At the same time, urban housing partnerships who have depended upon community development or planning staff to carry out their activities may need to assume more responsibility for decision-making and policy-setting. Ultimately, which city departments are represented on the housing partnership will depend upon the issues and activities specific to each urban community.

Urban housing partnerships face two particular challenges. First, in a large community with many individuals, groups, and public agencies involved in the development process, there is a natural tendency for fragmentation to occur. Departments or agencies often carry out their functions irrespective of one another's actions or agendas. A housing partnership provides a good opportunity for these individuals, groups, and agencies to work together more closely and communicate more frequently. Second, the housing partnership offers a mechanism through which officials from different agencies and departments can expedite the process of local approvals for proposed housing developments.

## **How do urban housing partnerships best relate to city officials?**

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**Successful housing partnerships have recognized that their city officials are not only key decision-makers but also public opinion leaders.**

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In most cases, urban housing partnerships include the Mayor, City Manager, and one or more city councilors as partnership members. Successful urban partnerships have been able to establish and maintain good, ongoing communication, on an informal as well as formal basis, with their city officials.

Many urban partnerships regularly provide updates of their activities to their Mayor and City Councilors. Prior to official city actions, some urban partnerships provide relevant information and promote discussions with city officials. One urban partnership provides briefing packets about specific housing proposals or policies to City Councilors, then follows up with an individual meeting with each Councilor.

Successful housing partnerships have also recognized that their city officials are not only key decision-makers, but also public opinion leaders. These partnerships have worked to obtain the public support of city officials in broadening the awareness of the critical need for affordable housing throughout the city, as well as in generating support for specific neighborhood housing initiatives.

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**Successful urban partnerships have been able to establish and maintain good, ongoing communication, on an informal as well as formal basis, with their city officials.**

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**Massachusetts Housing Partnership**

100 Cambridge Street

Boston, MA 02202

(617) 727-7824

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